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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/425,517 10/22/99 BHALAKIA

S 589.063US1

EXAMINER

MM91/0108

MARK A. LITMAN & ASSOCIATES, P.A.
YORK BUSINESS CENTER, SUITE 205
3209 WEST 76TH ST.
EDINA MN 55435

SCHWARTZ, I

ART UNIT

PAPER NUMBER

2873

DATE MAILED:

01/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/425,517

Examiner

Jordan M. Schwartz

Applicant(s)

BHALAKIA ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and terminal disclaimer received 11/6/00.
2. ☒ The allowed claim(s) is/are 5, 7, 9-11, 13, 14, 16, 18-20, 23-39, 41 and 43.
3. ☐ The drawings filed on _____ are acceptable as formal drawings.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review(PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 6.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800

#101B

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Allowed Claims: 5, 7, 9-11, 13-14, 16, 18-20, 23-39, 41 and 43

Examiner's Comment/Examiner's Amendment/Reasons For Allowance

Examiner's Comment

In applicant's amendment received 11/13/00, applicant first requested the cancellation of claim 22 and then set forth an amended claim 22. For applicant's information, the amended claim 22 was not entered due to the cancellation of the claim. This was brought to the attention of applicant's representative, Mark A. Litman, in the interview of 1/2/01 who stated that it was applicant's intention to cancel claim 22 and not amend it.

For applicant's further information, the numbering of the claims is not in accordance with 37 CFR 1.126 which requires that when new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Specifically, applicant had two claims numbered "38" and two claims numbered "39". The amended claims 38, 39, 38, 39, 40, 41 have been renumbered 38, 39, 40, 41, 42, 43 respectively.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark A. Litman on January 2, 2001.

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The application has been amended as follows:

1. Claim 20, line 1, delete "7" and insert -5-;
2. Cancel claims 40 and 42.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claims 5 and 23, none of the prior art either alone or in combination disclose or teach the claimed combination of limitations including an injection molded polymeric ophthalmic lens comprising the claimed laminate bonded thereto with the claimed resinous layers and functional layer with the first resinous layer bonded to the convex surface of the lens and specifically further wherein the first resinous layer is fused to the lens. Specifically, with reference to independent claim 7, none of the prior art either alone or in combination disclose or teach the claimed combination of limitations including an injection molded polymeric ophthalmic lens comprising the claimed laminate bonded thereto with the claimed resinous layers and functional layer with the first resinous layer bonded to the convex surface of the lens and specifically further wherein the lens comprises polycarbonate resin and the functional layer comprises a photochromic layer. Specifically, with reference to independent claim 9, none of the prior art either alone or in combination disclose or teach the claimed combination of limitations including an injection molded polymeric ophthalmic lens comprising the claimed laminate bonded thereto with the claimed resinous layers and

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functional layer with the first resinous layer bonded to the convex surface of the lens and specifically further wherein the resinous layer is adhesively bonded to the lens and the functional layer comprises a photochromic layer. Specifically, with reference to independent claims 24-25, none of the prior art either alone or in combination disclose or teach the claimed combination of limitations including an injection molded polymeric ophthalmic lens comprising the claimed laminate bonded thereto with the claimed resinous layers and functional layer with the first resinous layer bonded to the convex surface of the lens and specifically further comprising the claimed extruded layer or layers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (703) 308-1286. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jordan Schwartz
January 4, 2001

A handwritten signature in cursive script, appearing to read "Georgia Epps", is written in black ink.

Georgia Epps
Supervisory Patent Examiner
Technology Center 2800